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Chairman: Mrs. FLORES (Uruguay)

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AGENDA ITEM 140: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM (continued)

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The meeting was called to order at 3:25 p.m.

AGENDA ITEM 140: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM (continued) (A/48/267 and Corr.1 and Add.1, A/48/225-S/26009, A/48/291-S/26242 and A/48/314-S/26304)

1. Mr. YOUSIF (Sudan) stressed once again that his delegation condemned all forms of terrorism as criminal acts intended to kill innocent individuals and destroy their property, acts which undermined the sovereignty and territorial integrity of States and threatened international peace and security. Sudan also reaffirmed that it complied with all its obligations under international law, that it refrained from organizing terrorist activities in third countries, or encouraging or participating in such acts, and that it had never allowed its territory to be used for the preparation or launching of terrorist operations, which, by their nature, were totally alien to the nature of the Sudanese people.

2. Further, Sudan had welcomed with satisfaction General Assembly resolution 42/159, which called upon States to cooperate among themselves to combat terrorism within the framework of international law and on the basis of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Moreover, Sudan had acceded to a number of international conventions, such as the International Convention against the Taking of Hostages (ratified on 19 June 1990), the Convention for the Suppression of Unlawful Seizure of Aircraft (ratified on 18 January 1979) and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (ratified on 18 January 1989). In addition, it had taken measures to accede to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. In the domestic sphere a number of Sudanese laws, in particular the Sudanese Penal Code of 1991, provided for severe punishment of the authors of terrorist acts (arts. 1/144 and 2/144 of the Penal Code).

3. His delegation welcomed the fact the Secretary-General had sought the views of Member States concerning the convening of an international conference to deal with international terrorism, an initiative, as indicated in document A/48/267, which had been very favourably received. Sudan also took the view that the conference was necessary and thought that it should focus in particular on the following points: the need to reach a clear and precise definition, acceptable to the entire international community, of the expression "international terrorism", which was currently employed somewhat loosely; an objective review and definition of the fundamental causes of the factors underlying terrorism and its different manifestations; the adoption of decisions and measures to address the fundamental causes and economic, social and political factors which contributed to the emergence of terrorism and the formulation, in the framework of an agreement or comprehensive international treaty, of suitable provisions to eliminate the phenomenon of terrorism.

4. In order to reach a clear and commonly accepted definition of the term "terrorism" it was important to make a distinction between terrorism as such and the legitimate right of all peoples suffering the yoke of imperialism, racism

(Mr. Yousif, Sudan)

and foreign domination to fight against such oppression, exercise their right to self-determination, live in freedom and independence, and define their own choices and the political regimes to which they aspired. All those rights were protected by charters and international customary law as well as by the principles of international law. In certain aspects current social conflicts were rooted in the violation of the fundamental right of peoples to self-determination, freedom and independence. Rather than merely applying the label of "terrorist" to certain groups or individuals, efforts must be made to arrive at a definition of the term "terrorism" encompassing any criminal act not justified by law or custom which threatened the lives of innocent individuals, the vital interests of States or the right of peoples to define their identity and their cultural choices, particularly where there were great disparities between the power and means of aggressor and victim States.

5. In that connection the fact of accusing, unjustly and without proof, a third State of terrorism, at the risk of harming its interests and causing political embarrassment, must itself be considered a form of media-based, intellectual terrorism which must be countered at all cost. Similarly, the fact that a State could use force to occupy the territory of another State, much weaker than itself, or seize or divert civil aircraft, or inspect, detain and search ships on the high seas, without any justification under the law or regulations and in contravention of all the international conventions in force, could itself also be considered an act of terrorism which must be combated and condemned by the international community. Finally, the fact that a State or a sphere could, for reasons relating to bilateral agreements, provide both material and moral support for separatists or political movements responsible for armed insurrection against legitimate Governments of third countries constituted a blatant violation of the principles of international law and of the United Nations Charter. Further, the acts of forming and mobilizing groups of mercenaries, and of supporting and inciting them, through propaganda activities, to carry out acts against the sovereignty and territorial integrity of other States also constituted a clear-cut instance of terrorism, which, in political as well as social and economic terms, contributed to the destabilization of many groups of people.

6. He stressed that it was important to deal with the various forms of terrorist acts as criminal acts and as such to define them precisely. To that end care must be taken not to exploit the term "terrorism", which was itself vague, for political purposes or to embarrass or discomfort others, as was currently done when some States were accused of violating human rights. Although there was a relative difference between terrorist crimes and human rights violations, both concepts had become instruments which were used for dubious political ends. The same was true of other terms lacking in objectivity such as the term "fundamentalist", which was used loosely in an effort to undermine the civil and political and human rights of the peoples of certain States and to isolate certain social categories in an endeavour to deprive them of their rights to freedom of expression and to prevent them from adopting the social mores to which they aspired.

7. Although the Sudan condemned all forms of fanaticism and extremism, it was nevertheless deeply concerned at the purely political use of the term fundamentalism, which tended to be associated, particularly, with Islam. That

(Mr. Yousif, Sudan)

demonstrated great disdain for a religion and culture which predominated in 45 countries in the world. Islam, as a religion, culture and way of life, was essentially based on principles founded on tolerance and peaceful coexistence with other civilizations and religions. Furthermore, the rules and principles of Islam encouraged the individual to practice virtue and tolerance, love his neighbour, renounce violence and refrain from killing or committing aggression against other human beings. For that reason, the attempts to establish a link between Islam and the term fundamentalism, as it was currently understood, distorted the perception of Islam and its fundamental principles and gave rise to a great deal of hostility against them. Attacking Islam under the pretext of combating fundamentalism was a new phenomenon which had arisen very recently on the international scene and which had been studied by a large number of foreign thinkers and political specialists. The indiscriminate labelling of people as fundamentalists and fanatics was itself an indication of unjustifiable fanaticism and extremism as well as intellectual terrorism which rejected all the international covenants on human rights and civil and political rights. What in fact was fundamentalism? Webster's dictionary defined it as a Protestant movement of the twentieth century emphasizing the literal interpretation of the Scriptures as fundamental to Christianity. The seventh edition of the Concise Oxford Dictionary defined it as strict maintenance of traditional orthodox religious beliefs as fundamentals of Protestant Christianity. This purely academic term was misused and applied, without any logical reason, to Islam, demonstrating the intentions of certain circles which, through hostility and hatred for one of the principle contemporary cultures, would like to spread the use of that term on the international political scene. In that connection, the American writer and Islamist, John L. Esposito, wrote in The Islamic Threat: Myth or Reality that unfortunately American politicians and media had too often been surprisingly myopic, viewing the Islamic world and Islamic movements as a monolithic block envisaged solely in terms of extremism and terrorism.

8. That state of mind had given rise to the term "fundamentalism", which had been used to describe parties, movements and regimes that had adopted Islam as a programme and a system. The terms "terrorism" and "fundamentalism", which served as an instrument of political pressure and were used to embarrass others, nevertheless shared a common point: they were both vague and it was necessary to define them precisely and determine, through joint agreement, the link between them and then consider ways to eliminate them. For that reason, his delegation urged States to develop bonds of trust with those whose cultural values differed from their own and to demonstrate openness and a true spirit of dialogue. That would make it possible not only to eliminate misunderstandings and the causes of fanaticism, but also promote the values of tolerance and peaceful coexistence and create a favourable climate for solving current problems, whether they were linked to terrorism or not. Furthermore, fundamentalism linked to violence was not an attribute of any specific religion, culture or viewpoint. In general terms, it was closely linked to the poverty and feeling of injustice that prevailed in the developing world and was the product of purely materialistic living conditions and feelings of bewilderment, spiritual distress and loss of trust in the future on the part of the inhabitants of developed countries. Accordingly, the Sudan associated itself with the many comments to the effect that it was necessary to deal with the problem of terrorism in all its forms, within an appropriate legal framework,

(Mr. Yousif, Sudan)

and as punishable criminal behaviour, eliminating any political connotations from the question.

9. Aware of the need to strengthen international cooperation to put an end to all forms of terrorism, desiring to avoid political one-up-manship and wishing to arrive at an acceptable formula for defining terrorism and the means to combat it, his delegation proposed that a working group should be established with the task of drawing up, in accordance with the principles that he had set forth at the beginning of his statement, preparatory documents for the holding of an international conference to define terrorism and consider ways to eliminate it, or that the Ad Hoc Committee on International Terrorism, set up under General Assembly resolution 3034 (XXVII), of 18 December 1972, should be revitalized by expanding its membership. It was hoped that that proposal would be reflected in the resolution on measures to eliminate terrorism which the General Assembly would adopt at the current session. Lastly, he urged all States to continue to engage in a civil, objective and serious dialogue in order to solve and place in their true perspective the important problems that had not yet been remedied and he hoped that by making it possible to strengthen mutual understanding and gain a clear view of the situation, that dialogue would help to create bonds of trust and peaceful coexistence for the greatest benefit of all nations, regardless of the values of their civilizations, societies and peoples.

10. Mr. STRAUSS (Canada), speaking also on behalf of Australia, said that international terrorism was a problem that required serious attention and active cooperation on the part of Member States and that recent events showed that the United Nations itself was no longer immune to the activities of international outlaws. In order to deal with that threat, the international community had at its disposal a set of legal instruments that had been signed and ratified by a large number of Member States such as the Conventions relating to air traffic safety developed under the auspices of the International Civil Aviation Organization (ICAO) in 1963, 1970 and 1971, the Montreal Protocol of 1988, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection. If, in spite of that legal framework, which constituted the foundation for measures to combat terrorism, terrorism had not yet been eliminated, that should not necessarily be seen as an admission that existing conventions or protocols were flawed or insufficient. They should be applied and their effectiveness should be enhanced. The Canadian and Australian delegations therefore urged all Member States not only to become parties to the existing conventions, but also to ensure respect for the obligations under them through domestic legislation and bilateral and regional cooperation in enforcement and, in due course, through acceptance of the jurisdiction of a permanent international criminal court for terrorist offenses as set forth in the international conventions.

11. Efforts to reach an international consensus on the fight against terrorism had been greatly complicated by the connection between the legal and political dimensions of the issue. A conference or a working group within the Sixth Committee that endeavoured to define terrorism was likely doomed to failure. There was nothing to be gained from a politicized debate on such divisive issues as "State-sponsored terrorism" and the threshold between terrorist activities

(Mr. Strauss, Canada)

and the legitimate pursuit of the right to self-determination. The answer to terrorism was not to define it but to defeat it. The Canadian and Australian delegations, therefore, reiterated their support for a resolution on that item that would contain a balanced and detailed summary of international achievements and goals in the struggle to eliminate terrorism. They also supported the unequivocal condemnation of all acts, methods and practices of terrorism and called upon all Member States to sign, ratify, respect and enforce the existing legal instruments. It was hoped that the forthcoming resolution on that item would be adopted once again by consensus. If the international community could not speak with one voice on the matter, it should not speak at all.

12. Mr. LAMAMRA (Algeria) said there had been plenty of time to ponder the question of international terrorism, which had been on the Committee's agenda since 1972, and it could now be approached from a more rational, less emotional perspective. The experience and the work of the past 20 years, as well as the more recent upheavals in international relations, had clarified and narrowed the distance between perceptions of the terrorist phenomenon. The fatalistic attitude of those who believed it impossible to reach an international consensus on that question was very much in keeping with the conflictual approach to the major questions facing mankind that had been imposed by the cold war.

13. In evaluating the outcome of the consideration of the question since 1972, one was forced to acknowledge that the results were far from being entirely negative, as evidenced by the many international conventions whose elaboration had been entrusted to the Committee and by the report of the Ad Hoc Committee on International Terrorism, which presented an exhaustive synthesis of the discussion on that question and recommended a number of practical measures and specific actions designed to strengthen international judicial cooperation.

14. There were three lessons to be learned from the past 20 years. First, experience had shown that attempts to formulate a theoretical definition of terrorism and explain its underlying causes inevitably got bogged down in sterile controversies, as demonstrated by the debate on "mercenarism" or the way in which some had persisted in amalgamating terrorism with the struggle for national liberation. His delegation had always maintained that national liberation struggles should be situated in their true context, to the exclusion of any doctrinal or practical link with the phenomenon of terrorism. Because national liberation struggles were covered by the Geneva Conventions of 1949 and their Additional Protocols of 1977, they could not be confused with international terrorism or used to keep the international community from taking the necessary steps to organize its efforts to prevent and punish terrorism.

15. Secondly, the international community had unanimously and unequivocally condemned all acts of international terrorism, as evidenced by General Assembly resolution 46/51, which had been adopted by consensus on 9 December 1991. However, if unaccompanied by specific commitments, that condemnation would merely prove cheap salve for the conscience and would even in some cases serve as a cover for connivance or complicity.

16. Thirdly, it was necessary to revitalize the well-established principles and obligations of customary law by putting them through the crucible of positive international law. To that end, it was important to implement the specific and

(Mr. Lamamra, Algeria)

precise measures recommended by the General Assembly in paragraph 4 of its resolution 46/51, which urged all States to apprehend, prosecute or extradite perpetrators of terrorist acts, to cooperate with one another in exchanging information concerning the prevention and combating of terrorism, to implement the international conventions to which they were parties and to conclude special agreements on a bilateral, regional and multilateral basis.

17. Now that the phenomenon of terrorism was well-known and there was a large body of provisions aimed at preventing and punishing terrorist acts, the United Nations should turn its attention to the operational legal aspects of multilateral action against terrorism. The General Assembly should establish a working group to elaborate an international convention for the prevention and elimination of terrorism that would complement and strengthen the 10 or so existing legal instruments. Such a convention would give the international community a binding legal instrument by virtue of which the States parties could assist one another in preventing and eliminating terrorist activities and acts on the basis of the general principle of "prosecute or extradite" and the principle of individual criminal responsibility.

18. With respect to the definition of terrorism, that convention might provide the context for an appropriate solution, one based not on the conceptual aspects of the phenomenon but on its physical manifestations. The Convention on the Prevention and Punishment of Terrorism, which had been concluded under the auspices of the League of Nations and opened for signature at Geneva on 16 November 1937 but had never come into force, offered a well-crafted definition that would constitute a good point of departure. It defined terrorist acts as "criminal acts directed against a State, and intended or calculated to create a state of terror in the minds of particular persons, or group of persons or the general public". In addition to providing that clear, precise definition, the 1937 Convention identified, in its articles 2 and 3, a number of acts that constituted acts of terrorism, including any wilful act causing death or grievous bodily harm, the destruction of public property, the supplying of arms, ammunition or explosives, incitement to such acts, or assistance, knowingly given, towards the commission of any such act, when those acts were directed against the territory of another State.

19. In the wake of the World Conference on Human Rights in Vienna, the time was ripe for the drafting of an international convention on the prevention and punishment of terrorism that would guarantee appropriate international legal protection of the primary human right, namely the individual's right to life and security of person. Such a collective initiative was indispensable, because the recrudescence and internationalization of terrorism constituted a serious threat to international peace and security and a sure impediment to the accomplishment of the purposes and principles of the Charter of the United Nations, especially the development of friendly and neighbourly relations among nations, non-interference in their internal affairs and respect for the sovereignty of States.

20. Mr. VANHARA (Czech Republic) said that, as a successor State to the Czech and Slovak Federal Republic, his country considered itself bound by all the multilateral instruments to which the former had been a party and, in particular, to all the international instruments relating to the struggle against terrorism listed in document A/48/267. With respect to the international conventions on civil aviation safety, the Czech Republic had deposited a notification of succession to the Convention on Offenses and Certain Other Acts Committed on Board Aircraft and was preparing to do the same with respect to the other relevant instruments.

21. The Czech Republic unequivocally condemned terrorism in all its forms. It was proud that the Convention on the Marking of Plastic Explosives for the Purposes of Detection was the product of a common initiative between Czechoslovakia and the United Kingdom. It attached great significance to cooperation among States in eliminating international terrorism, as well as to increasing the number of parties to international conventions on the various aspects of that problem. It was important that such instruments should become universal in character. Only then would it be possible to combat international terrorism effectively and to unify the legal regimes set forth in the various conventions so that a comprehensive list of terrorist acts could be developed.

22. The Czech Republic was expanding its bilateral and multilateral cooperation with other States in the struggle against dangerous criminal activities, including terrorist acts. It wished to express its appreciation to the competent authorities of Germany and the Netherlands for sharing their experience with regard to measures for combating acts of international terrorism related to drug trafficking and measures for increasing internal security.

23. In a regional context, his delegation attached great importance to cooperation initiated within the Conference on Security and Cooperation in Europe (CSCE). It believed that the Charter of Paris for a New Europe, adopted in November 1990, remained the basis for cooperation in that field.

24. The States of Central and Eastern Europe were going through a process of political and institutional transformation that rendered them more vulnerable to acts of international terrorism, the most dangerous of which were acts organized with the direct participation of States or at their instigation. Such activities were in direct contradiction with the basic principles of international law and those States should bear international responsibility for them.

25. The Czech Republic was not in favour of convening, under the auspices of the United Nations, an international conference to deal with international terrorism. It believed that the chances of elaborating a mutually acceptable definition of terrorism and of identifying acts of international terrorism as distinct from the struggles of national liberation movements were very small, and that it was therefore unlikely that such a conference would achieve the expected results.

26. Mr. ORDZHONIKIDZE (Russian Federation) said that the tragic consequences of terrorism had convinced the international community of the need to adopt effective measures within the framework of the United Nations to strengthen international cooperation in combating that evil. It should be emphasized that for some time certain States had been instigating acts of terrorism aimed at impairing the territorial integrity of their neighbours, which they sought to justify on ideological grounds, using pseudo-religious fundamentalist arguments. As the member States of the Commonwealth of Independent States, as well as Georgia and Moldova, had emphasized in a joint declaration on that question (A/C.6/48/4), it would be essential to determine the priority areas for cooperation in combating terrorism, the aim being to strengthen the legal basis for such cooperation. States which had not yet acceded to multilateral agreements in that area should do so promptly. The work of the International Law Commission on the establishment of an international criminal court and the drafting of a code of crimes against the peace and security of mankind would also contribute to the effective punishment of terrorism.

27. It must be remembered that terrorism not only disrupted the internal political life of States but could also block action by the international community, particularly with regard to peace-keeping operations. The United Nations should be protected from terrorism and it was therefore important for the international community to establish effective forms and procedures for inter-State cooperation in seeking out and apprehending criminals and terrorists. For example, it would be useful for the Crime Prevention and Criminal Justice Branch to work out a model bilateral agreement on inter-State cooperation on the basis of the universal agreements currently in force concerning the struggle against terrorism. Because terrorists were prepared to resort to any means of intimidation and destruction, no effort should be spared to prevent them from acquiring nuclear, chemical or biological weapons. It would also be appropriate to coordinate more closely the activities of United Nations agencies involved in that field, in particular ICAO, IMO and IAEA. It might be a good idea to consider the possibility of establishing, under the auspices of the United Nations and its institutions, appropriate international infrastructures for operational collaboration and coordination for the purpose of preventing and suppressing terrorist acts. There was also a need for closer cooperation between Member States in combating terrorism and other criminal activities such as illicit trafficking in arms and narcotics, the laundering of illegal profits and the smuggling of nuclear or other materials.

28. Unfortunately, no effective methods had yet been found for the suppression of terrorism based on arrangements for cooperation involving not only certain States or groups of States but also regional and international organizations. His delegation shared the view of those who supported the participation of appropriate regional structures in programmes of cooperation with the United Nations in the struggle against terrorism. In the last analysis, such cooperative arrangements would no doubt make it possible to organize the global monitoring of terrorism, thus facilitating the in-depth analysis of criminal behavioural patterns and the development of appropriate counter-terrorist measures which could be used by all interested States. In the initial stage, the United Nations could sponsor regional and interregional meetings of the heads of national anti-terrorist agencies and specialists on that question. Naturally, due attention should be given to the subject of combating terrorism

(Mr. Ordzhonikidze, Russian Federation)

when preparing for future United Nations Congresses on Crime Prevention and the Treatment of Offenders and perhaps during the Congresses themselves.

29. Other areas of cooperation between States were likewise very important. For example, the United Nations could provide assistance to States in dealing with crises caused by acts of terrorism. The mediation efforts of the Secretary-General of the United Nations aimed at securing the release of persons held hostage by terrorists deserved every support. Recommendations would be drawn up in the Security Council or the Sixth Committee regarding the provision of the Secretary-General's good offices in resolving situations connected with international terrorism. In cooperation with ICAO, IMO and IAEA, the United Nations could periodically review the implementation of the relevant universal conventions, a process which would provide information on incidents caused by terrorist acts, procedures for criminal prosecution and decisions handed down by courts.

30. In addition to action in the above-mentioned high-priority areas, steps should be taken to ensure that terrorism was not tolerated anywhere in the world and to create a united front of States to combat that evil. To that end, practical measures should be taken to make individuals and peoples aware that any act of terrorism represented a crime which would inevitably be punished. The mass media had an important role to play in mobilizing international public opinion in that struggle. The contribution of the mass media could be the subject of special international recommendations whose formulation could be assigned to UNESCO.

31. Mr. VALENZUELA SOTO (Honduras) noted that despite the lofty and learned statements of the preamble to the United Nations Charter, terrorist acts were constantly proliferating, even as the definition of the concept of terrorism continued to cause bitter arguments among legal experts in international forums.

32. A number of legal instruments establishing categories and clear definitions of terrorist acts had been finalized in the course of the search for a consensus on that question. For example, resolution 25 adopted by the Eighth United Nations Congress on Crime Prevention and the Treatment of Offenders, entitled Terrorist criminal activities", had identified the measures to be taken to combat terrorism and recommended, inter alia, strengthening cooperation for the effective prevention and control of terrorism.

33. In that regard, Honduras had enacted a series of legal measures, acceded to various international conventions relating to all aspects of terrorism and adopted laws and other provisions to protect Honduran nationals and foreigners residing in or transiting through the country. It had established new legal categories based on international handbooks concerning the prevention and suppression of offences drawn up by the appropriate United Nations organs, with a view to preventing or suppressing terrorist offences.

34. His delegation was in favour of convening an international conference on terrorism under the auspices of the United Nations with a view to adopting resolutions or a plan of action to eliminate terrorism, provided of course, that such a conference would not be devoted solely to defining the term "terrorism",

(Mr. Valenzuela Soto, Honduras)

but also to examining its root causes, taking political, social, economic, cultural and other influential factors into account.

35. Mr. KALPAGE (Sri Lanka) said that, while he fully supported the international initiatives that were being taken to work out a framework for international cooperation to combat terrorism, he believed that those initiatives must address the underlying causes of the phenomenon. In that connection, the adoption by the General Assembly in 1985 of resolution 40/61 signified the willingness of the international community to address that issue in a cooperative spirit and with determination, with a view to taking practical steps towards its elimination.

36. Resolution 46/51, adopted by the General Assembly at its forty-sixth session, in 1991, had carried those initiatives forward by urging all States to fulfil their obligations under international law and take effective measures for the elimination of international terrorism, to prevent their territories from being used for acts of terrorism directed against other States and their citizens, to take preventive and other measures on a bilateral, regional and multilateral basis, to cooperate by exchanging information concerning the prevention and combating of terrorism, and to ensure that domestic legislation was harmonized with existing international conventions on the subject.

37. In that connection, Sri Lanka had undertaken a series of measures, at both the national and regional levels, to discharge its obligations under international law in that field.

38. At the regional level, it had proposed that the principle that the territory of a State should not be used for the perpetration and organization of terrorist acts against another State, should be incorporated in the Bangalore declaration adopted in 1986 at the Second Summit of Heads of State or Government of the South Asian Association for Regional Cooperation (SAARC). In addition, on the basis of a Sri Lankan proposal, the Association had adopted, at its Third Summit in 1987 at Kathmandu, a Convention on Suppression of Terrorism, which provided for offences of a terrorist nature to be treated as "non-political" for purposes of extradition, in conformity with a growing international practice. National courts were required to exercise extra-territorial jurisdiction in the prosecution of terrorist offenders, irrespective of where the offence was committed, if, for any reason, extradition was not granted.

39. At the national level, Sri Lanka had adopted the necessary legislative and administrative measures in respect of the apprehension and prosecution or extradition of perpetrators of terrorist acts. Extradition, for example, was governed by a law enacted in 1977.

40. Enabling legislation had also been enacted by Sri Lanka to give effect to the obligation to "try or extradite" provided for in several multilateral conventions in that field. The Offences against Aircraft Act had been enacted in 1981 to implement the provisions of the Tokyo, Hague and Montreal Conventions.

41. Furthermore, the Crimes against Internationally Protected Persons Act had recently been enacted to give effect to the provisions of the International

(Mr. Kalpage, Sri Lanka)

Convention on that subject. In addition, Sri Lanka had enacted the enabling legislation to give effect to the SAARC Convention on Suppression of Terrorism.

42. Unfortunately, terrorism knew no frontiers, and his delegation believed that only a comprehensive extradition treaty network at the bilateral, regional and international levels could ensure that international offenders were deprived of a safe haven. However, legal measures alone were not enough to deal effectively with the threats posed by terrorism. While such measures provided a solid foundation for international cooperation, political will was essential for their implementation. Cooperation at the practical level, particularly in the sharing of information relating to terrorist activities, was a vital component of any international strategy to deal with terrorism. In that connection, the SAARC Convention for Suppression of Terrorism provided for the exchange, amongst law enforcement agencies in the region, of information relating to terrorist activities.

43. Sri Lanka had convened a number of meetings of law enforcement agencies to work out the modalities for a rapid exchange of such information, and had offered to host a regional coordinating unit to facilitate such exchange of information. At the bilateral level, it had continued to work with neighbouring countries in recording evidence and in collecting information pertaining to terrorist-related cases.

44. An international cooperative framework to combat terrorism must necessarily take cognizance of the growing linkage between the activities of terrorist groups and international drug traffickers. The nexus between drug trafficking, terrorism and the illicit arms trade was only too clear. Illicit funds channelled through drug trafficking were used for the purchase of arms to sustain the campaigns of terror initiated by those groups. A carefully coordinated plan of action was therefore required at the national, regional and international levels to meet the combined threat posed by those three evils.

45. Mr. ABDELLAH (Tunisia) said that in recent years the international community had witnessed the spread and diversification of the phenomenon of international terrorism. Taking different forms and based on ethnic, racial or purportedly religious considerations, movements were engaging in subversive action against State institutions, thereby threatening international order and stability. Faced with that scourge, the family of nations had resolutely embarked on a campaign to combat terrorism. The instigation, training and financing of persons by certain States to commit, in the territory of another State, terrorist acts aimed at destabilizing that State were illicit acts under the Charter of the United Nations and under general international law.

46. In that connection, the principle of non-interference in the internal affairs of States must be underscored and a code of conduct promoted in that area. Article 2, paragraph 4, of the Charter had enshrined that principle, and the General Assembly had adopted several Declarations on the subject, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. The Organization of the Islamic Conference had also drawn attention to that need at its most recent ministerial conference.

(Mr. Abdellah, Tunisia)

47. In recent years, a number of countries had been confronted with the problem of terrorist violence. Activists invoking religion and distorting religious precepts to promote their undeclared ends had attempted and were still attempting through various forms of violence to destabilize the social and institutional order. Tunisia, which had itself experienced that threat and which had been able to overcome it through action at the political, economic, social and cultural levels, had used the law against such persons. At the same time, it was aware of the transnational ramifications of the phenomenon and had accordingly broadened the scope of its legal cooperation with other countries.

48. Cooperation between States in order to contain and counter international terrorism was a prerequisite for the success of the common struggle waged by the international community against that scourge. To that end, Tunisia, within the framework of sectoral conventions, had embarked on that path. Whether at the bilateral, regional or multilateral level, his Government spared no effort to ensure the greatest possible collaboration on legal matters in the fight against terrorism. It wished to expand that cooperation through its activity within international organizations, by acceding to existing conventions on the question and by concluding new agreements.

49. Tunisia noted with satisfaction that the legal instruments already in force were effective and reflected the international community's will to combat terrorism. It had ratified some of those conventions and the Government was considering acceding to others. In that spirit, Tunisia would welcome the conclusion, under United Nations auspices, of an international convention on the question. That new treaty would cover all aspects of the phenomenon of international terrorism and would provide the community of nations with an exhaustive, binding legal instrument. Such an instrument could, inter alia, deal with the very relevant question of the international responsibility of States assisting terrorism. It might also provide an opportunity to reflect on how to harmonize national legislations on the granting of the right of asylum.

50. The right of asylum, a noble right whose humanitarian dimension was embodied in the law and practice of Tunisia, should be granted subject to certain moral obligations and rules. In his address before the General Assembly on 27 September, the Minister for Foreign Affairs of Tunisia had referred to that question, stating that just foundations should be sought, capable of strengthening existing laws on asylum between States. While it was obvious that that right was humanitarian in nature and was the province of sovereign States, it should none the less be granted in accordance with an ethic, and with rules and principles that must be respected. Tunisia believed that the right of asylum was a common human value and that it could not be used for purposes other than those for which it had been created.

51. Another objective of the proposed convention should be to give an even more general character to and ensure broader application of the inescapable principle in international criminal law expressed by the adage aut dedere aut judicare.

52. Tunisia's unequivocal condemnation of any terrorist activity, in whatever form, and its determination to eradicate the phenomenon did not, however, mean that it took a blanket approach. There were situations where studying the underlying causes of certain acts of violence might be the best means of

(Mr. Abdellah, Tunisia)

combating, even preventing such violence. One example was the struggle being waged by national liberation movements, whose just cause Tunisia had always upheld in accordance with United Nations principles and resolutions.

53. His delegation would work to bring about the adoption of a resolution on the question in a constructive spirit and with the firm intention of expediting the successful outcome of the international community's efforts. Such a resolution should highlight the pressing need for the Sixth Committee to play a role in the adoption of a general exhaustive legal instrument for the containment and elimination of the phenomenon of international terrorism.

54. Mr. YAMAMOTO (Japan) thanked the Legal Counsel, Mr. Fleischhauer, for his introduction to the report of the Secretary-General on measures to eliminate international terrorism (A/48/267 and Add.1), which provided a useful basis for the work of the Committee.

55. His Government was firmly opposed to international terrorism in all its forms and regardless of the motives of the perpetrators. International terrorism was a global issue and international cooperation to prevent it should be vigorously promoted. His delegation fully supported General Assembly resolution 46/51 of 9 December 1991, which unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed. Japan also condemned all acts of hostage-taking and abduction, and called for the immediate, safe and unconditional release of all hostages and abducted persons. Japan also urged all States to take decisive measures to prevent hostage-taking. It noted that although the situation had improved, some hostages were still being detained; they should be released immediately.

56. His delegation commended ICAO, IMO, IAEA and other agencies for working hard to eliminate international terrorism. It noted, in particular, that IMO had adopted two important legal instruments, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, which had entered into force on 1 March 1992. His delegation stressed the importance of the Review Conference of Parties to the Convention on the Physical Protection of Nuclear Material held in Vienna on 29 September 1992, which underscored the continuing need to protect nuclear materials from theft, malevolent use or other unlawful acts. Since the end of the cold war and with the eruption of complex regional conflicts deriving from cultural, religious and ethnic differences, the threat to the international community posed by the proliferation of nuclear materials was greater than ever before. It was therefore extremely important to face the issue squarely and take effective measures to protect nuclear materials. The Convention provided a sound basis for the physical protection of nuclear materials, and Japan urged all States which had not yet done so to accede to it at the earliest possible date.

57. In order to prevent terrorism, it was of the utmost importance to establish an international cooperation regime that would deny sanctuary to perpetrators of terrorism by focusing on crimes associated with terrorism and by obligating each State to extradite or prosecute suspects. It was in that spirit that the

(Mr. Yamamoto, Japan)

international community had begun to consolidate the existing international legal framework through various conventions and protocols, thus broadening the range of punishable acts. Japan regarded that approach as practical and effective, and wished to stress once again the need to promote the universality of those conventions and protocols, and to ensure the States parties' strict and sincere compliance with all their provisions. That was the only way to strengthen international cooperation to ensure the effective prevention of terrorism and the punishment of those responsible.

58. On the other hand, Japan believed that an international conference to define terrorism and to distinguish it from national liberation struggles would not be useful. It should be recalled that in the 1970s an ad hoc committee of the United Nations had spent much time on a similar effort.

59. A clear and firm policy, backed by strong and effective measures, would serve as a significant deterrent to States which were considering support for terrorist groups and acts. The concerted action by the United Nations in response to the bombings which destroyed Pan Am Flight 103 and Union des transports aériens (UTA) Flight 772 had demonstrated the firm stance of the international community against terrorism. In that connection, Japan took the opportunity to urge the Libyan Government, once again, to comply with the relevant Security Council resolutions.

60. With the end of the cold war, the international community faced new challenges, particularly the resurgence of regional conflicts and terrorist activity. Those were destabilizing factors which were of concern to all States. Japan sincerely hoped that the international community would redouble its efforts to prevent all criminal acts of terrorism and hostage-taking and to deter those who were thinking of resorting to them.

61. Mr. MAMEDIAROV (Azerbaijan) said that the Azerbaijani Republic was seriously concerned at the growth of international terrorism. Terrorism should be regarded as a kind of war, a form of organized violence used for political ends. Whatever the reasons for them, terrorist acts should be treated as crimes and punished accordingly. Everyone should learn that there was no excuse for terrorism in any form. World-wide crises had created favourable conditions for the appearance of terrorist bands which attacked innocent civilians. A wave of terrorism was afflicting the countries of the former Soviet Union. It had not spared Azerbaijani citizens who, in the past two years, had suffered casualties as a result of senseless bombings of public transport vehicles. The Azerbaijani Republic unequivocally condemned such acts, whether committed by individuals, groups, organizations or States. Together with other States members of the Commonwealth of Independent States, as well as the Republic of Georgia and the Republic of Moldova, Azerbaijan had adopted a joint statement on cooperation in combating international terrorism (A/C.6/48/4).

62. Mr. ROSENSTOCK (United States of America) said that terrorism was the enemy of civilized society, and that the existence and nature of an organized international community could be measured by its attitude towards terrorism and the extent to which it was capable of cooperating in order to combat it. If one considered the state of agreement on terrorism which had existed in the international community in 1972, and the developments over the 21 years which had elapsed since then, a substantial improvement in the extent of international agreement and cooperation could be perceived. Progress had been made; actions must continue on that basis, and agreement and cooperation must be broadened and deepened.

63. Unfortunately, tragic examples of terrorism remained too frequent. Such acts not only caused enormous loss and suffering, but also had indirect consequences. The time and resources devoted to complex airport security measures was a price which all countries willingly paid for national and international action to prevent terrorism. The time and resources spent on tightening security at United Nations Headquarters was in response to the terrorist plot responsible for the tragic explosion at the World Trade Center. Such time and resources could be better utilized if terrorism were eliminated.

64. The international community must clearly reaffirm its condemnation of terrorism as a type of conduct which no cause could justify. It must recognize and state that acts of terrorism were inimical to the very concept of human rights. Beyond that, States must pledge themselves to cooperate in combating terrorism. The first useful cooperation measure would be to call upon all States to use their political influence to secure the immediate and safe release of all hostages. A further useful measure would be to call upon States parties to the existing anti-terrorism conventions to fulfil their treaty obligations. A third measure would be to call upon States which were not parties to those conventions to accede to them so that perpetrators of terrorist acts would have no safe haven. In that connection, his delegation thanked the Legal Counsel for the information which he had provided in his helpful introduction to the report of the Secretary-General (A/48/267). It was vital that all the conventions should be ratified by the largest possible number of States. However, the International Convention against the Taking of Hostages and the Convention on the Marking of Plastic Explosives for the Purpose of Detection had so far been ratified by less than half of the States Members of the United Nations. The Convention on the Physical Protection of Nuclear Material, the International Maritime Organization Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation had been ratified by even fewer States. The international community must organize itself to change that situation dramatically and rapidly.

65. State support of terrorism, whether active or passive, could not be tolerated. The international community must continue to recognize that State-supported terrorism was a violation of Article 2, paragraph 4, of the Charter and a threat to the peace requiring collective action. Nothing expressed, more strongly and clearly, the international community's determination not to tolerate such behaviour by States than collective action. It must continue to be made clear that State-supported terrorism would not be tolerated, and that when the Security Council acted, its recommendations and decisions must be honoured.

(Mr. Rosenstock, United States)

66. Further practical measures that would contribute to eliminating terrorism would undoubtedly be proposed. Indeed, several suggestions had already been made, and his delegation would consider them with an open mind. Nevertheless, the United States did not believe that the convening of a general conference or the establishment of a special committee to define terrorism or to attempt to build upon the efforts undertaken in the 1930s by the League of Nations would be a sound step forward. Efforts to reach a general definition of terrorism had repeatedly failed; they had failed in the League of Nations and in the United Nations Ad Hoc Committee on Terrorism, which had worked on the issue from 1972 to 1979. It was only because the international community had decided to turn away from such efforts and to focus on specific areas that it had begun to make significant progress in the elaboration of measures to combat terrorism. It should build on those successes, not on the failures. The Brazilian comments on those issues seemed particularly wise.

67. Of course, the United States recognized that while poverty and injustice could never justify terrorism, they provided it with a fertile breeding ground. That was one of the reasons why his delegation attached great importance to the work of the Second and Third Committees of the General Assembly, the Economic and Social Council and the Commission on Human Rights, among other bodies.

68. In sum, a sound basis existed for international cooperation to combat terrorism. The international community should deepen, broaden and build upon that basis.

The meeting rose at 5.30 p.m.